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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/606,257	06/29/2000	Harry R. Chesley	4254 15-641	7537

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Watts Hoffmann Fisher & Heinke Co LPA
1100 Superior Ave Ste 1750
Cleveland, OH 44114-2518

EXAMINER
EL CHANTI, HUSSEIN A

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 06/03/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 March 2004*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

    4a) Of the above claim(s) *9-11* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8 and 12-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Response to Amendment

1.   This action is responsive to the communication received on March 18, 2004.

Claims 9-11 were canceled. Claims 1, 12 and 18 were amended. Claims 1-24 are

pending examination

Response to Arguments

2.   Applicant's arguments with respect to the pending claims have been considered

but are moot in view of the new ground(s) rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-3, 8, 12, 14, 18, 21 and 23 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Steele et al, U.S. Patent 6,065,051 (referred to hereafter as

Steele) in view of Hodges et al., U.S. Patent No. 6,449,365 (referred to hereafter as

Hodges.

Steele teaches the invention substantially as claimed including a method,

apparatus and computer readable medium for communicating information between a

plurality of client computers.

As per claim 1, Steele teaches a method of communicating between a plurality of

client computers comprising the steps of:

Providing data on a data source and communicating the data from the

data source to one or more of a plurality of client computers in response to a request for

data by said one or more client computers (see col. 2 lines 16-25);

Updating the data on the data source by sending data from one of the

plurality of client computers to said data source (see col. 2 lines 25-30).

Communicating a fact that the data available on the data source has been

updated by communicating and prompting said other client computers to access the

updated data from the data source (see col. 2 lines 31-39).

Steele does not explicitly teach the limitation "communicating a client to client

message from the one client computer that updated the data to other client computers".

However Hodges teaches a method and apparatus for providing notification of network

conditions and update where the user sends a client to client message to inform the

other clients that an update has occurred on a server using a network management

server (see col. 8 lines 18-26 and col. 1 lines 43-55).

It would have been obvious for one of the ordinary skill in the art at the time of

the invention to modify Steele by implementing the step of communicating a client to

client message as taught by Hodges because doing so would allow a user in a group to

update information on a data server and notify the other clients that the data has been

updated in real time using client to client messages.

As to claim 2, Steele also teaches the method of claim 1 wherein the data source

and the plurality of client computers communicate information by means of a hypertext

transfer protocol (see col. 3 lines 35-44) wherein a client computer periodically polls the

data source and further wherein said client computers poll the data source in response

to a client to client message concerning an updating of data on the data source from

another client (see col. 2 lines 40-42).

As per claim 3, Hodges teaches the method of claim 1 additionally comprising

the step of providing a communications interrupt server which communicates client to

client messages between multiple client computers (see col. 8 lines 18-26 and 49-65).

As per claim 8, Steele further teaches the method of claim 1 wherein the data

source comprises a server computer (see fig. 1 and its corresponding illustration, fig. 1

shows a server computer connected to a group of clients).

As per claims 12 and 18, Steele teaches a computer readable medium and

method of communicating information performing the steps of:

Providing data on a data source and communicating the data from the

data source to one client computers in response to a request for data by said one client

computers (see col. 2 lines 16-25).

Updating the data on the data source and communicating the fact that the

data available on the data source has been updated by communicating an update

message to said plurality of computers to access the updated data from the data source

or computer server (see col. 2 lines 25-30).

Steele does not explicitly teach the limitation "communicating a message from

one client computer to plurality of computers". However Hodges teaches a method and

apparatus for providing notification of network conditions and update where the user

sends a client to client message to inform the other clients that an update has occurred

on a server using a network management server (see col. 8 lines 18-26 and col. 1 lines 43-55).

It would have been obvious for one of the ordinary skill in the art at the time of the invention to modify Steele by implementing the step of communicating a client to client message as taught by Hodges because doing so would allow a user in a group to update information on a data server and notify the other clients that the data has been updated in real time using client to client messages.

As per claim 14, Hodges teaches the computer readable medium of claim 12 additionally comprising the step of providing a communications interrupt which communicates update message between multiple client computers (see col. 8 lines 18-26 and 49-65).

As per claim 20, Hodges teaches update message to be targeted at certain clients (see col. 8 lines 18-26 and lines 49-65).

As per claim 21, Steele teaches the method of claim 18 wherein the server computer stores a message hierarchy in a goal directed messaging system for tabulating messages from multiple clients and wherein the update message indicates the message hierarchy has been updated (see fig. 4 and fig. 8 and respective illustrations).

As per claim 23, Hodges teaches the method of claim 18 wherein the server computer stores a database for storing information made available from multiple clients and wherein the update message indicates the database has been updated (see col. 8 lines 49-65 and col. 4 lines 26-49).

4.   Claims 4-7, 22 and 24 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Steele et al in view of Hodges further in view of Kohda et al, U.S.
Patent 6,249,806 (referred to hereafter as Kohda).

As to claim 4, Steele teaches a method of communicating between a plurality of
client computers comprising providing data on a data source and communicating the
data from the data source to one or more of a plurality of client computers in response
to a request for data by said one or more client computers; updating the data on the
data source by sending data from one of the plurality of client computers to said data
source and communicating the fact that the data available on the data source has been
updated by communicating a client to client message from the client computer that
updated the data to other client computers thereby prompting said other client
computers to access the updated data from the data source (see the rejection of claim
1).

Steele does not explicitly teach the limitation "the client to client message is
formatted in accordance with an internet relay chat protocol".

However Kohda teaches a communications system that allows client to access
stored information on a server (see abstract) wherein the client to client message is
formatted in accordance with an internet relay chat protocol (see col. 8 lines 25-42).

It would have been obvious for one of the ordinary skill in the art at the time of
the invention to modify Steele by implementing and internet relay chat protocol to
communicate update messages as taught by Kohda because using the internet relay
chat protocol allows tens of thousands of users to share and transfer files in real time.

As per claim 5, Kohda further teaches the method of claim 4 where the data source maintains a database of information and wherein different portions of the database are assigned a unique internet relay chat channel (see col. 10 lines 32-44).

As per claim 6, Hodges teaches the data source maintains a goal based message hierarchy having message nodes (see col. 8 lines 49-65 and col. 4 lines 26-49). Kohda teaches updates to one or more nodes in a group of such nodes are assigned to an internet relay chat channel (see col. 6 lines 41-64 and claim 22).

As per claims 7, Kohda teaches the method of claim 4 and the computer readable medium of claim 15 additionally comprising the step of providing a communications interrupt server which communicates messages between multiple client computers by means of said internet relay chat protocol (see col. 8 lines 25-42).

As per claim 22, Kohda teaches the method of claim 21 wherein the message hierarchy is divided into nodes which form groups of one or more nodes (see fig. 9 and its corresponding illustration) wherein the update message is in the form of an internet relay protocol and wherein node groups are assigned different internet relay chat channels (see col. 10 lines 32-44).

As per claim 24, Kohda teaches the database of claim 23 divided into data and said data portions are assigned channels in an internet relay chat protocol that implements update message (see col. 10 lines 32-44).

5.   Claims 13, 15-17, 19 and 20 do not teach or define any additional limitation over claims 1-8 and therefore are rejected for similar reasons.

6.   Applicant's arguments filed have been fully considered but they are not

persuasive.

In the remarks, the applicant argues in substance that; A) Hodges and Steele do

not teach sending client to client message directly via a network server.

In response to A) Steele teaches a method of communication over a network

where a client can update information existing on a server. The server then notifies the

other clients that there was an update and sends messages to other clients to access

the update on the server (see abstract). Hodges also teaches a method of

communication between clients wherein client updates information on a server and

sends a notification message to a notification server that in turn, sends the notification

message to other clients to access the server and download the update (see fig. 6) and

therefore Hodges and Steele meets the scope of the claimed limitation communicating a

client to client message from the one client computer that updated the data to other

client computers directly via a network server". Therefore it would have been obvious for

one of the ordinary skill in the art at the time of the invention to incorporate the

notification method of Hodges in the update method of Steele doing so would allow a

user in a group to update information on a data server and notify the other clients that

the data has been updated in real time using client to client messages.

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.
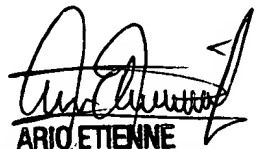
8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein A El-chanti whose telephone number is (703)305-4652. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hussein El-chanti

May 21, 2004

ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100